



CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Physical Therapy Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Attorney General

KIM GUADAGNO
Lt. Governor

March 3, 2011

THOMAS R. CALCAGNI
Acting Director

By Certified and Regular Mail

Kishwar Nisar, P.T.
41 Jennings Drive
Allentown, NJ 08501

Mailing Address:

P.O. Box 45014
Newark, NJ 07101
(973) 504-6455

Re: Offer of Settlement in Lieu of Filing a Formal Disciplinary Complaint

Dear Ms. Nisar:

This letter is to advise you that the New Jersey State Board of Physical Therapy Examiners ("Board") has had an opportunity to review information concerning the physical therapy treatment you rendered to M.B. at CareOne at Hamilton from October 19, 2009 to November 17, 2009. Specifically, the information reviewed consisted of M.B.'s patient record and your testimony at the investigative inquiry that you attended with your attorney, Allison J. Whitehead, Esquire on December 14, 2010. Specifically, the information reviewed included that:

M.B. entered CareOne for rehabilitation following a total knee replacement surgery on October 19, 2009. According to your testimony and a review of the initial evaluation you prepared in this case, you determined the short-term goal for this patient's treatment was to increase range of motion in the right knee to 90° flexion. Ms. Behren did not complete her therapy; she was discharged to the hospital due to secondary medical decline.

Both your testimony and patient record demonstrated that notes for the patient were not recorded daily, and did not accurately reflect patient contact. Furthermore, the documentation in the patient chart covered a week at a time and did not list specific interventions, or measurable goals on a particular treatment date.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.A.C. 13:39A-3.1 (a) and (c)8 in that you failed to maintain adequate patient records. Specifically, that you failed to prepare and maintain contemporaneous patient records that reflect patient contact, and failed to include in the patient record services rendered at sessions, including components of intervention, patient's response, and current status.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:


1. Cease and desist in the future from failure to prepare and maintain contemporaneous patient records that reflect the actual patient contact or every treatment date as required by N.J.A.C. 13:39A-3.1a.
2. Cease and desist in the future from maintaining patient records which include services rendered at sessions, including components of intervention, patient's response and current status as required by N.J.A.C. 13:39A-3.2(c)8.
3. Pay a civil penalty in the amount of \$250.00. Payment shall be remitted in full by certified check or money order to The Board of Physical Therapists, attention Lisa Affinto, Executive Director, P.O. Box 45014, 124 Halsey Street, Newark, New Jersey, 07101.
4. Pay costs in the amount of \$560.00 which represents that total amount of the entire investigation as reflected in the certification of Lisa Affinito, Executive Director that is attached hereto.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

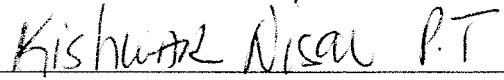
In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General, Carmen A. Rodriguez who may be reached at (973)-648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By: 
Lisa Affinito
Executive Director

ACKNOWLEDGMENT: I, Kishwar Nisar, P.T., hereby acknowledges that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$250.00 plus \$560.00 for a total of \$810.00 to be paid upon signing of this acknowledgment).


Kishwar Nisar, P.T.

cc: Allison J. Whitehead, Esq.
Carmen A. Rodriguez, D.A.G.